

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Corey Peterson,)	Case No.: 0:20-cv-2387-JD
)	
Plaintiff,)	
)	
vs.)	
)	OPINION & ORDER
Commissioner of Social Security)	
Administration,)	
)	
Defendants.)	
)	

This social security matter is before the Court with the Report and Recommendation of United States Magistrate Paige J. Gossett (“Report and Recommendation”), pursuant to Local Civil Rule 83.VII.02 (D.S.C.). The plaintiff, Corey Peterson, brought this action pursuant to 42 U.S.C. §§ 405(g) and 1383(c)(3) to obtain judicial review of a final decision of the Defendant Commissioner of Social Security (“Commissioner”), denying his claims for Disability Insurance Benefits (“DIB”). The Report and Recommendation was issued on September 23, 2020, recommending that this matter be summarily dismissed for Plaintiff’s failure to comply with a court order and failure to prosecute. (DE 16.)

By orders dated July 1, 2020 and August 13, 2020, the Court directed Plaintiff to file the documents necessary to bring this case into proper form for the issuance and service of process. (DE 7 and 12.) The orders advised Plaintiff that his failure to comply with the orders within the time permitted would subject his case to dismissal for failure to prosecute and for failure to comply with an order of the court under Rule 41 of the Federal Rules of Civil Procedure. Plaintiff provided no response to either order, and the docket does not reflect any effort by Plaintiff to contact the court since he originally filed this matter in June 2020.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. Mathews v. Weber, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection has been made, and may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge. 28 U.S.C. § 636(b)(1). However, de novo review is unnecessary when a party makes general and conclusory objections without directing a court's attention to a specific error in the Magistrate Judge's proposed findings. Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982). In the absence of a specific objection, the court reviews the report and recommendation only for clear error. Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (citation omitted); see also Tyler v. Wates, 84 F. App'x 289, 290 (4th Cir. 2003) (“A general objection to the entirety of the magistrate judge’s report is tantamount to a failure to object.”).

Given the Plaintiff’s repeated failures to comply with court orders and upon review of the Report and Recommendation and the record in this case, the Court adopts the Report and Recommendation and incorporates it herein by reference. It is, therefore, **ORDERED** that this case is dismissed without prejudice.

AND IT IS SO ORDERED.



Joseph Dawson, III
United States District Judge

Greenville, South Carolina
May 4, 2021

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.